

ORIGINAL

JAMES T. LOW  
 # 92234-022  
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 Tel. No.:(808) 538-4300  
 Defendant Pro Se

FILED IN THE  
 UNITED STATES DISTRICT COURT  
 DISTRICT OF HAWAII

MAY 15 2006

at 10 o'clock and 55 min. AM  
 SUE BETTA, CLERK

## IN THE UNITED STATES DISTRICT COURT

## FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	CR. NO. 05-00260 JMS
	)	
vs.	)	DEFENDANT'S MOTION TO
JAMES T. LOW,	)	DISMISS INDICTMENT FOR
	)	VINDICTIVE PROSECUTION;
	)	DECLARATION; MEMORANDUM IN
	)	SUPPORT OF MOTION;
	)	CERTIFICATE OF SERVICE
	)	
Defendant.	)	DATE: <u>June 1, 2006</u> <u>Y</u>
	)	TIME: <u>9:00 a.m.</u>
		JUDGE: <u>J. MICHAEL SEABRIGHT</u>

TW: 6/6/06

DEFENDANT'S MOTION TO DISMISS INDICTMENT  
FOR VINDICTIVE PROSECUTION

COMES NOW JAMES T. LOW, Defendant pro se, and moves for an order dismissing all charges against him because of vindictive prosecution. This motion is made pursuant to Rules 12(b) and 47, Federal Rules of Criminal Procedure, and is based upon the Fourth, Fifth and Sixth Amendments, the files and records of this case, the attached declaration of defendant, and all matters properly before the court and to be

presented at a hearing on this matter, demonstrating good cause to grant this motion.

Dated: Honolulu, Hawaii, May 12, 2006.

James T. Low  
JAMES T. LOW  
Defendant Pro Se